

# FISCAL NOTE

**Bill #:** HB0295

**Title:** Aggravated DUI

**Primary Sponsor:** Jent, L

**Status:** As Amended in House Committee

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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## Fiscal Summary

	<b><u>FY 2004 Difference</u></b>	<b><u>FY 2005 Difference</u></b>
<b>Expenditures:</b>		
General Fund	\$316,734	\$1,366,247
<b>Revenue:</b>		
General Fund	\$30,000	\$30,000
<b>Net Impact on General Fund Balance:</b>	(\$286,734)	(\$1,336,247)

- |   |   |
|---|---|
| <input type="checkbox"/> Significant Local Gov. Impact    | <input type="checkbox"/> Technical Concerns                       |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached  | <input checked="" type="checkbox"/> Needs to be included in HB 2  |

## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Justice**

1. The figures contained in the previous fiscal note were based on Montana Highway Patrol experience for the year 2001.
2. The new figures contained in this fiscal note are based on current information provided by the Department of Justice Forensic Lab and updated MHP information for 2002.
3. The MHP issued 2,391 citations for DUI in 2002. Roughly 2.5% or 60 would have a BAC of .30 or higher.
4. Since this would fall as a felony, the MHP would pay for 30 days in jail and then they would be turned over to the Department of Corrections.
5. Sixty offenses times 30 days in jail equals 1,800 days times \$53.71 per day average jail cost equals \$96,678 in expenses each fiscal year in the 2005 biennium.
6. Each citation will result in a \$1,000 fine for \$60,000 in revenue. (60 x \$1,000 = \$60,000)
7. Fifty-percent or \$30,000 of the revenue goes to local governments and fifty-percent or \$30,000 of the revenue goes to the state general fund.

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8. The driver control action processes resulting from conviction of aggravated driving under the influence of alcohol or drugs will remain similar to current policies and procedures for mandatory revocations of driver licenses.
9. Insufficient information is available to the division to estimate the number of convictions resulting from the changes proposed by this bill; however, it is anticipated that the number of convictions will result in a limited workload increase that would be absorbed by the division.
10. Administrative expenses will increase \$2,000 for programming and \$3,132 for computer processing time for a total of \$5,132 in FY 2004 to create a report if a person receives two convictions of driving under the influence/or negligent homicide resulting in a felony within 10 years.

**Department of Corrections**

11. The department assumes 125 convictions per year with only half that in FY 2004.
12. Six persons will be convicted under Section 1 (b) of the bill.
13. The department projects that 66 to 70 percent of offenders will receive a suspended sentence (i.e. probation) and 30 percent will receive prison time.
14. Ten percent will not be convicted.
15. The average prison stay will be two years.

		Biennium Numbers		Biennium Costs	
		FY 2004	FY 2005	FY 2004	FY 2005
1	Assume FY04 1/2 year, FY05 full year				
2	Number of Charges from MHP (Section 1A)	63	125		
	Number of Charges from (Section 1B) Mike Grayson testimony	3	6		
	New Felonies Section (1)(a) and (b)	66	131		
	Not Convicted or Deferred Sentence (10%)	(7)	(13)	0	0
3	Convicted and Sentenced	59	118		
4	30% of the 59 Sentenced to Prison Length of Stay 2 yrs.	18	35		
	Male 85%	15			
	FY04 = 15 male * 182 days * \$53.99 per day			147,393	
	FY05 = 15 male * 365 days * \$53.99 per day				295,595
			30		
	FY04 = 0			0	
	FY05 = 30 male * 365 days * \$53.99 per day				591,191
	Female 15%	3			
	FY04 = 3 female * 182 days * \$68.47 per day			37,385	
	FY05 = 3 female * 365 days * \$68.47 per day				74,975
			5		
	FY04 = 0			0	

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	FY05 = 5 female * 365 days * \$68.47 per day		124,958	
5	70% Sentenced to Probation	41		
	FY04 = 41 * 182 days * \$4.04 per day		30,146	
	FY05 = 41 * 365 days * \$4.04 per day			60,459
		83		
	FY04 = 0		0	
	FY05 = 83 * 365 days * \$4.04 per day			122,392
			<hr/>	<hr/>
			214,924	1,269,569
6	Cost for Probation per day	4.04	4.04	
	Cost for Incarceration per day - Male	53.99	53.99	
	Cost for Incarceration per day - Female	68.47	68.47	

**FISCAL IMPACT:**

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
<b>Dept of Justice</b>		
<u>Expenditures:</u>		
Operating Expenses Program 13-MHP	\$96,678	\$96,678
Program 12-MVD	<u>5,132</u>	<u>0</u>
TOTAL	\$101,810	\$96,678
<u>Funding of Expenditures:</u>		
General Fund (01)	\$101,810	\$96,678
<u>Revenues:</u>		
General Fund (01)	\$30,000	\$30,000
<b>Department of Corrections</b>		
<u>Expenditures:</u>		
Operating Expenses	\$214,924	\$1,269,569
<u>Funding of Expenditures:</u>		
General Fund (01)	\$214,924	\$1,269,569
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$286,734)	(\$1,336,247)

**EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:**

Local governments will receive \$30,000 in additional revenue each year.

**LONG-RANGE:**

This will increase the number of prisoners in the system which will increase future costs to the general fund.